



23 JAN 2006

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY NY 12203

In re Application of	:	
SHAHEDIPOUR-SANDVIK et al.	:	
Application No.: 10/563,179	:	DECISION ON
PCT No.: PCT/US04/16481	:	
Int. Filing Date: 25 May 2004	:	PETITION UNDER
Priority Date: 03 June 2003	:	
Attorney Docket No.: 0794.043B	:	37 CFR 1.137(b)
For: FORMATION OF HIGHLY DISLOCATION	:	
FREE COMPOUND SEMICONDUCTOR ON A	:	
LATTICE MISMATCHED SUBSTRATE	:	

This decision is in response to applicants' submission filed 30 December 2005.

#### **BACKGROUND**

On 25 May 2004, applicants filed international application PCT/US04/16481 which designated the U.S. and claimed a priority date of 03 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 December 2005 (03 December 2005 being a Saturday).

On 30 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

#### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 30 December 2005.

As to item (2), applicant submitted the petition fee on 30 December 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

  
Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459